

EJA response to the Workforce Australia Inquiry report

EJA has responded only to the recommendations that relate to the capability of decision makers in employment services, the mutual obligation framework, and aspects of service delivery that affect the integrity of services provided to income support claimants.

EJA understands that reforming employment services is a complex public policy operation. However, there is a need to recognise that core aspects of the system expose employment services clients to harms. Given that over 700,000 people are currently required to engage with employment services, there is a need for urgent action to address ongoing risks.

EJA recommends that only Services Australia staff have delegation to make decisions adversely impacting social security payments – with no automated decision-making. Employment service providers should not be able to make such decisions unilaterally.

EJA recommends that Workforce Australia Inquiry Recommendations 57 and 62 be implemented; and that proposed reforms to the jobseeker compliance system be brought forward.

The Government should take urgent action to reduce the number of payment suspensions applied automatically to participants in employment programs, and pause payment suspensions until this has been implemented

EJA urges the Government to bring together advocacy organisations, peak bodies and experts to overhaul the points-based activation system (PBAS) model and the Targeted Compliance Framework. It is clear from data provided to the Inquiry that points-based activation is not effective, with almost half of Workforce Australia participants unable to report their points target each month^[1].

It is important to pause payment suspensions until less harmful approaches have been agreed.

<p>Recommendation 1 The Committee recommends that a new Commonwealth Employment Services System be developed and implemented in line with the recommendations of this report and informed by close and ongoing consultation with experts, stakeholders, and service users. This should be underpinned by formal intergovernmental agreement(s) setting out roles and responsibilities for coordination with skills, training and related human services, service delivery, and arrangements for</p>	<p>EJA supports this recommendation, noting that EJA is an important stakeholder in the design of the new employment service because of the overlap with social security law and policy.</p>
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^[1] [DEWR] Department of Employment and Workplace Relations (2023) Submission to House of Representatives Select Committee on Workforce Australia Employment Services, submission number 254.5.

<p>implementation and funding including co-investments to tackle long-term unemployment, place-based disadvantage, and industry transitions</p>	
<p>Recommendation 3 The Committee recommends that the Australian Government work with State and Territory Governments and key stakeholders to establish permanent mechanisms for client, stakeholder, and expert input into a rebuilt Commonwealth Employment Services System with the following elements:</p> <ul style="list-style-type: none"> • One or more Client Councils tasked with inputting client experiences. • An Employment Services Coordinating Council, responsible for providing stakeholder and expert advice to support continuous improvement to policy and program design and delivery. 	<p>EJA supports this recommendation, and it is a priority for us to engage in the processes leading design of a new Commonwealth Employment Services System because of the overlap with social security law and policy.</p> <p>EJA member community legal centres (CLCs) could provide representation on the state-based Client Councils; their input informed by their engagement with people subject to mutual obligation requirements; however, this representation would be subject to available resourcing.</p>
<p>Recommendation 8 The Committee recommends that the core service model for the new Commonwealth Employment Services System provide far more tailored and flexible support, with tailored Participation and Jobs Plans that recognise more diverse pathways to employment. The model should include the following key elements:</p> <ul style="list-style-type: none"> • A digital-hybrid employment service delivered by Employment Service Australia for those jobseekers identified as being able to effectively self manage online. • Case management services informed by more tailored assessment and Participation and Jobs Plans, differentiated by an individual's needs and proximity to the labour market, with: <ul style="list-style-type: none"> o A 'low intensity' advisory and support service focused on preparing for and finding work and addressing minor vocational barriers to employment, generally provided by contracted service partners. o A 'medium intensity' case management service focused on setting goals and overcoming vocational and non-vocational barriers, generally provided by contracted service partners. o A 'high intensity' service for people who are furthest from the labour market, including in-depth and wrap-around support, likely case managed through a public sector-led program. • Referral and access to other human services that address substantial nonvocational barriers to employment as required. • Cohort-specific specialist support delivered by organisations with relevant expertise and competency, with priority cohorts including First 	<p>EJA supports this recommendation, noting the Inquiry's findings that 'the current system - developed to provide jobseekers greater flexibility and effective targeting of job search activities, has resulted in a system that is too complex for many jobseekers to routinely complete.</p> <p>EJA urges the Government to consider the following protections to ensure that streaming to services results in referrals to the appropriate level of service and support, including:</p> <ul style="list-style-type: none"> • Initial human assessment and review of information relating to a person's relationship to the labour market and likelihood of finding work easily. • A more robust method of assessing people's suitability for online employment services than currently exists • Review of the JSCI and Snapshot processes to ensure the questions are not unnecessarily intrusive and that they invoke trust.

<p>Nations peoples, people from culturally and linguistically diverse backgrounds and people with significant disabilities.</p> <ul style="list-style-type: none"> • Social and community participation goals for people who are unlikely to benefit from other assistance for whom employment is simply not a realistic outcome at least in the short term. 	
<p>Recommendation 12</p> <p>The Committee recommends that the Australian Government:</p> <ul style="list-style-type: none"> • promote and encourage employers to deliver training to improve attitudes towards older people in the workforce; and • strongly encourage providers—and service partners, under the rebuilt Commonwealth Employment Services System—to work with employers to change attitudes towards older people in the workforce and to develop more inclusive recruitment and work practices. 	<p>EJA supports this recommendation because it is important to maintain efforts to combat age discrimination, noting failure to address this issue results in the loss of highly experienced people from the labour market.</p>
<p>Recommendation 13</p> <p>The Committee recommends that in relation to employment service support for ex-offenders:</p> <ul style="list-style-type: none"> • Commonwealth and State and Territory Employment and Corrections Ministers commission a serious piece of reform work—potentially via National Cabinet—to develop a refreshed intergovernmental commitment and agreement to reform, design, delivery and funding of employment services for ex-offenders pre-release, on-release and post-release. States and Territories should be encouraged to co-invest in employment services and programs for ex-offenders given the significant fiscal savings that accrue from reduced recidivism. • There be at least one specialist provider available in each jurisdiction and no more than one in each place, supported by cohort based and placebased programs which integrate with the corrections system and provide holistic support and access to other human services. 	<p>Economic Justice Australia supports this recommendation because people leaving prison often require assistance to secure income security upon release, which is essential for a successful transition from prison back into the community.</p> <p>This requires the provision of information and support prior to release, to ensure access to eligible social security income support upon release, together with referrals to community organisations.</p> <p>Medical information and reports from the prison health service should be made available to support DSP claims processes as the person will not be able to access them after release.</p> <p>There is a clear need for targeted and culturally appropriate support for Aboriginal and Torres Strait Islander people pre-release given high incarceration rates, disproportionately high rates of Centrelink mutual obligation suspensions and penalties, and high</p>

	<p>rates of disengagement from the social security system generally.</p> <p>EJA further recommends that DEWR (or Employment Services Australia) work with Services Australia to develop and fund:</p> <ul style="list-style-type: none"> • Pre-release facilitation of Centrelink claims and referrals to community organisations, including assistance with travel to home communities and establishing accommodation, particularly for Aboriginal and Torres Strait Islander people returning to regional and remote communities. • Pre-release assessments for Workforce Australia triaging, including Employment Services Assessments and JobSeeker Classification Instrument assessments. • An increase in SA Prison Liaison servicing in custodial settings, to provide face-to-face servicing in all prison settings. <p>Specialist services for First Nations people need to be delivered by First Nations community-led organisations, to ensure that services are provided in a culturally appropriate manner.</p>
<p>Recommendation 14</p> <p>The Committee recommends that the Australian Government take account of the findings of this report in relation to pay and conditions, support appropriate short-term actions to help stabilise the workforce, and link medium-and longer-term arrangements for pay and conditions in a rebuilt system focused on quality to a coherent plan to re-professionalise the sector’s workforce. Such a plan should also include measures to ensure that the ratio of clients to staff is sufficiently low that staff are able to deliver effective, person-centred services to clients.</p>	<p>EJA supports this recommendation because it is vital to securing future service quality and administrative accuracy (as per below)</p>
<p>Recommendation 15</p>	<p>EJA supports this recommendation.</p>

<p>The Committee recommends that the Australian Government work with the sector and key stakeholders to co-design a professional framework of skills, capabilities, and qualifications for frontline staff consistent with this report. Development of the framework should be led by the new Employment Services Quality Commission. The framework should include:</p> <ul style="list-style-type: none"> • a typology of skills, qualifications, and competencies that frontline staff must hold; • measures to ensure that frontline staff possess the necessary competencies to support a diverse cohort of clients, including First Nations peoples, older people, and people with disability; • measures to ensure that required competencies can be adjusted to account for regional variations and labour market contexts; and • measures to enable service partners to recruit and retain staff who do not possess formal qualifications where appropriate, including measures to enable service partners to: <ul style="list-style-type: none"> o recruit staff with lived experience in or experience delivering preemployment or employment services; and o support staff to gain formal qualifications post-commencement. 	<p>Competency of frontline staff is critical to the delivery of an effective employment service that both supports people into employment and avoids inconsistent and inappropriate allocation of compliance penalties – noting such penalties have broad reaching negative impacts on people who are vulnerable, in part as the result of their lack of financial stability.</p> <p>EJA calls for the re-professionalisation of key staff through a considered and ordered approach to training, which will be most effectively administered within the public service.</p>
<p>Recommendation 16</p> <p>The Committee recommends that the Australian Government work with the sector and key stakeholders to co-design a new approach to support ongoing capability development of frontline staff in the employment services system. This should include establishing an Employment Services Capability Fund</p>	<p>EJA supports this recommendation, particularly the allocation of specific funding to headline this critical deficit in the current model of employment services provision.</p>
<p>Recommendation 18</p> <p>The Committee recommends that the Australian Government adopt a clear ‘tell government once’ principle for employment service clients, whereby critical information relevant to a client’s employment potential and service history is available to relevant public sector agencies and service partners contracted to support an individual.</p>	<p>EJA supports this recommendation – noting that this engages a cross-government approach to data protection and the disclosure of sensitive information between government departments and providers.</p>
<p>Recommendation 19</p> <p>The Committee recommends that the Australian Government expedite work between the Department of Employment and Workplace Relations and the Australian Taxation Office to fully integrate Single Touch Payroll data into the management and administration of employment services and introduce legislative changes to make it available for broader research and evaluation purposes.</p>	<p>EJA supports this recommendation – however, it is important to observe the Robodebt Royal Commission recommendations 16.1 and 16.2 to ensure that all forms of data matching are subjected to rigorous oversight to avoid arbitrary or inaccurate decision-making and that inaccurate data matches can be overridden by users and helpline staff.</p>

<p>Recommendation 20</p> <p>The Committee recommends that:</p> <ul style="list-style-type: none"> • dedicated channels (email and telephone) into Services Australia be re-established for service delivery partners including service partners and the Department of Employment and Workplace Relations; and • the rebuilt Commonwealth Employment Services System include more collaborative arrangements between Services Australia, Department of Employment and Workplace Relations and providers to address servicing and participant issues and experiences. 	<p>EJA supports this recommendation because a single point of contact is needed for both employment services and Services Australia matters - this would help to streamline participant contacts on issues relating to payments.</p> <p>In addition, there needs to be simplification and clarification of responsibility for decision making across DEWR, Services Australia and DSS so that problems can be resolved at a single point of contact.</p>
<p>Recommendation 21</p> <p>The Committee recommends that the Australian Government, working with key stakeholders in the employment and human services ecosystem, simplify and streamline the approach to assurance and accreditation for employment services. This should include:</p> <ul style="list-style-type: none"> • identification and removal of duplicative and redundant requirements in the accreditation process; • development of a framework for mutual recognition of accreditation across the employment services and broader human services ecosystem; • implementation of a risk-based approach to assurance, incorporating clear recognition of provider accreditation and a focus on demonstrated risk indicators; • providing timely feedback to providers after an audit or assurance process, including implementation of standard timeframes; • identification of future opportunities to leverage data to support payment and process compliance; and • the Australian Government or a suitable intermediary becoming a supplier of Right Fit For Risk compliant IT security services for smaller organisations 	<p>EJA supports this recommendation because it is important that accreditation standards are used to inform processes for speedy remediation of quality and performance issues.</p>
<p>Recommendation 22</p> <p>The Committee recommends that the Australian Government establish an Employment Services Quality Commission as an independent regulator for the sector. The Employment Services Quality Commission should have functions in accordance with the findings of this report including:</p> <ul style="list-style-type: none"> • establishing a quality framework and licensing standards; 	<p>EJA supports this recommendation because key stakeholders and users need to be able to refer matters to the Commission for investigation.</p> <p>It is important that this investigation be prioritised. It needs to be thorough, with timely</p>

<ul style="list-style-type: none"> • workforce standards and sector professional development; • provider licensing and accreditation; • advising on pricing for high quality services, commissioning and payment models; • complaints management, including the development of a complaints procedure that is user-friendly and readily accessible to participants; • data collection, analysis, release, and championing transparency; and • research, evaluation, continuous learning, and quality improvement. 	<p>remediation of quality and performance issues.</p>
<p>Recommendation 23</p> <p>The Committee recommends that the Australian Government:</p> <ul style="list-style-type: none"> • adopt a clear default principle of transparency whereby all data is published as matter of course unless there is a compelling reason not to do so; and • implement a comprehensive and structured program of data release to support research capability and enable evidence-based improvements to the sector, with the program to include: <ul style="list-style-type: none"> o identification of data assets—including administrative and survey data; o a clear schedule for the release of data assets to the public; o a comprehensive data protection framework; o training and ongoing support in the use of the data for all officers; o a service level requirement that administrative and survey data will be released no less than 12 months after it is collected unless the data is specifically collected for the purposes of an evaluation; and o a policy framework and IT system changes to support the integration of data from other sources including Australian Government, State and Territory Governments, and research institutions. This program should be finalised and published within 12–18 months of the tabling of this report. 	<p>EJA supports this recommendation because the availability of this data will build faith in governance and help to provide a more robust evidence base to improve policy and service delivery.</p>
<p>Recommendation 24</p> <p>The Committee recommends that the Australian Government implement a new evaluation framework for employment services, including the following key elements:</p> <ul style="list-style-type: none"> • A maximum 18-month period release date for evaluation reports following the end of the period analysed. • Release of data used for the purposes of the evaluation for external scrutiny and analysis at the time the evaluation report is published. 	<p>EJA supports this recommendation because the development and implementation of a more transparent, detailed and timely evaluation framework will also build faith in governance and provide a more robust evidence base to improve policy and service delivery.</p>

<ul style="list-style-type: none"> • Inclusion of a broader range of metrics of effectiveness, including measures which assess the success of the system in building a jobseeker's capacity for social and economic participation and meeting the needs of employers. • Consideration of the satisfaction of service users including unemployed people and employers. 	
<p>Recommendation 25</p> <p>The Committee recommends that the Australian Government establish a unit within the new Employment Services Quality Commission responsible for continuous research and learning regarding service delivery and quality improvement and sharing of good practice. The unit should undertake its work with the Department of Employment and Workplace Relations, service partners, clients and external research partners including Universities and the Australian Centre for Evaluation, with its functions to include:</p> <ul style="list-style-type: none"> • leading work to identify and share best practice in the design and delivery of employment services; • identifying and mapping pathways to employment, including services that would best support jobseekers along those pathways and the costs associated with service delivery; and • developing an ongoing collaborative research agenda for the sector, including measures to enable greater access to data to support research efforts. 	<p>EJA supports this recommendation, noting a dedicated unit within the Employment Services Quality Commission that works collaboratively with key stakeholders will provide a more effective mechanism to undertake monitoring, evaluation and learning focussed on improving policy and service delivery.</p>
<p>Recommendation 26</p> <p>The Committee recommends that the Australian Government ensure all service partners can access information they enter into the department's IT systems unless there are clear, defensible reasons for not making that data available</p>	<p>EJA supports this recommendation – noting the need for attention to the data protection principles arising from the review of the Privacy Act.</p>
<p>Recommendation 27</p> <p>The Committee recommends that the Australian Government ensure a rebuilt Commonwealth Employment Services System permanently design in the capacity to experiment with innovative service delivery approaches. Trials should be subject to rigorous co-design with stakeholders including participants, providers, peak bodies, and academic and policy experts, and should be subject to robust monitoring and evaluation. 'Innovation zones' should be considered along with exclusion of approved trials of new initiatives from performance metrics so as not to discourage or punish providers and services which try new approaches.</p>	<p>EJA supports this recommendation, noting innovation is required to improve employment services to minimise the misapplication of compliance penalties and maximise support for people who genuinely seeking assistance from employment service providers to obtain employment.</p>
<p>Recommendation 28</p> <p>The Committee recommends that the Australian Government reframe its initial contact with and messaging to jobseekers as quickly as possible. A</p>	<p>EJA supports this recommendation, noting all communication to new jobseekers should be clear, non-threatening</p>

<p>better framework for contacting jobseekers should include the following key elements:</p> <ul style="list-style-type: none"> • Clear, consistent information is available on relevant government websites about the roles, functions, operation, and benefits of employment services. • Jobseekers are able to contact responsible agencies directly for advice on employment services and income support within a reasonable timeframe. • Avoiding conduct or language that reinforces shame associated with accessing income or employment support. • Ensuring communications use plain, sensitive language. • Communications notifying jobseekers of their Participation Interview are unambiguous as to reasons for the contact and clearly explain the purpose of the interview. • If possible, outbound calls show a dedicated phone number, so recipients know who the contact is from. This should acknowledge potential concerns as to spoofing, spam and fraud. 	<p>and accessible' to take into account any barriers to understanding people may have.</p>
<p>Recommendation 29</p> <p>The Committee recommends that the Australian Government co-design a new jobseeker assessment service, including the following key elements:</p> <ul style="list-style-type: none"> • The Job Seeker Snapshot (JSS) is retained, subject to amendments to ensure it accurately identifies jobseekers who are best suited to online hybrid services. The amendments should be trialled ahead of national rollout and should be subject to robust monitoring and evaluation. • All jobseekers, except those determined via the JSS to be suited to online services, are rapidly referred to Employment Services Australia for comprehensive assessment of the jobseekers' aspirations and barriers. • Following assessment, Employment Services Australia (via Regional Hubs): <ul style="list-style-type: none"> o provides details of the services and providers in the area; o recommends service(s) that would be most beneficial for the jobseeker; o identifies people who have little to no short-term prospects of securing employment, who have other barriers that should be addressed before referral to a provider or who would be better supported by a nonprovider service, and prepares a Participation and Jobs Plan for those clients that underpins their mutual obligations; and o identifies people who should be referred to a provider for case management and support with job search, providing the jobseeker up to a week to select their provider and supports a handover. 	<p>EJA partially supports this recommendation, noting EJA does not believe assessment processes should be fully automated.</p>

<ul style="list-style-type: none"> • A client who shows commitment and meaningfully engages with Employment Services Australia during the assessment process fully meets their mutual accountability requirements for that period. • Performance measures for Employment Services Australia focus on the appropriateness of services to which jobseekers are allocated. 	
<p>Recommendation 30</p> <p>The Committee recommends that the Australian Government develop and implement measures to:</p> <ul style="list-style-type: none"> • enable providers to refer jobseekers back to Employment Services Australia for re-assessment; • enable jobseekers to self-initiate transfers between providers and services with minimal administrative burden, subject to the provider or service having been identified as appropriate during their assessment; • allow jobseekers to seek re-assessment by Employment Services Australia; and • require re-assessment by Employment Services Australia of jobseekers being supported by a provider who have not secured work within a defined period. 	<p>EJA supports this recommendation – an improved ESAT process is important for people seeking exemptions due to partial capacity or referral to DES or another service. It is essential the system facilitate accurate assessment of a person’s current capacity, which requires the removal of current roadblocks and development of measures as outlined in this recommendation.</p>
<p>Recommendation 31</p> <p>The Committee recommends that the Australian Government:</p> <ul style="list-style-type: none"> • review the boundaries of Community Development Program (CDP) regions with a view to incorporating clearly urban areas (such as the southern area of Darwin) into mainstream employment services while allowing a ‘buffer’ or ‘overlap’ zone where people can choose to be allocated to CDP or mainstream services; and • simplify the process for jobseekers who move regularly between remote and non-remote regions and give consideration to allowing a person to nominate one program through which they will be primarily serviced and stay attached to that service. 	<p>EJA supports this recommendation – noting that the CDP replacement program is currently being redesigned and that the redesign must be undertaken in consultation with community-led First Nations organisations, community members, and CDP participants.</p>
<p>Recommendation 32</p> <p>The Committee recommends that the Australian Government consider reinstating the Sickness Allowance and extending eligibility for the Allowance to people with sustained, medium, or longer-term medical conditions that preclude them from seeking employment in the foreseeable future and allow</p>	<p>EJA strongly supports this recommendation because there is also a need to reform DSP eligibility criteria, including by abolishing the Program of Support requirement which can impede access to DSP for people with little or no capacity for work due to severe impairments</p>

<p>medical certificates for longer than three months where appropriate.</p>	<p>associated with multiple chronic health conditions.</p>
<p>Recommendation 33 The Committee recommends that the Australian Government consider possible minor adjustments, as proposed in this report, to better identify jobseekers who are extremely-long-term unemployed and are eligible for and should be granted a Disability Support Pension. This should be done without revising the impairment tables or creating a perverse incentive to become extremely long-term unemployed.</p>	<p>EJA strongly supports this recommendation.</p> <p>It is important to bring forward reforms to enhance access to income support for people with disability, including by facilitating DSP claims for people who are long-term unemployed and clearly unable to comply with mutual obligations for activity-tested payments such as JobSeeker Payment. The requirement to obtain medical certificates every three months to seek continued exemption from mutual obligations, and maintain income support, causes a great deal of distress for people with disability and chronic health conditions.</p>
<p>Recommendation 34 The Committee recommends that the Australian Government develop and implement measures to reduce the cost of obtaining medical evidence for purposes relating to employment services, up to and including offering subsidised medical appointments for this purpose.</p>	<p>EJA supports this recommendation.</p> <p>In addition, EJA recommends establishment of a specialised contact hotline, so that people seeking exemptions from mutual obligations on medical grounds get appropriate support</p>
<p>Recommendation 35 The Committee recommends that the Australian Government ensure that all participants in employment services have access to training and supports to improve their digital literacy, noting that lack of digital literacy is frequently a barrier both to efficiently accessing services and to employment.</p>	<p>EJA supports this recommendation.</p> <p>In addition, EJA recommends the introduction of a digital allowance for people receiving income support payments to assist recipients in purchasing phones/data – this could be an increase/or expansion of existing Telephone Allowance to cover the cost of basic internet plans.</p> <p>Poverty is a significant factor in digital exclusion and the ‘digital divide’. Poverty can mean that people use old phones and devices on which they are unable to install latest versions of software and maintain reporting requirements.</p>

	<p>The Centrelink Telephone Allowance of \$35.60 per quarter does not reflect the cost of the cheapest mobile or internet service plans.</p> <p>The Workforce Australia system requires a person who is on a jobseeker payment to maintain a mobile phone with sufficient capability and data to meet reporting requirements and participation requirements so the digital allowance should meet this cost.</p>
<p>Recommendation 36</p> <p>The Committee recommends that the Australian Government:</p> <ul style="list-style-type: none"> • ensure that the digital tools for employment services and the primary government websites for employment services are available in, at a minimum, the languages in which reporting is available via the Centrelink Express Plus app, as well as in those languages most commonly used by jobseekers on the employment services caseload; • develop and implement a strategy for increasing the number of languages in which online information and reporting tools are available, including in response to changes to the makeup of the employment services caseload; • ensure major updates to digital tools and user interfaces for employment services are fully tested with target cohorts before being implemented. This should include testing with older people, people from culturally and linguistically diverse backgrounds, First Nations peoples, and people with disability; and • develop a Digital Protections Framework to provide robust safeguards for clients and other stakeholders against the adverse impacts of increasing digitalisation and automation of services. 	<p>EJA strongly supports these recommendations and the implementation of robust digital safeguards and a Digital Protections Framework.</p>
<p>Recommendation 38</p> <p>The Committee recommends that with respect to the optimal default time(s) that a client remains in online services: • The Australian Government review and establish a firmer evidence based through Service Improvement Trials using randomised control trial methodology, with a view to determining an optimal default time for participation in an enhanced online or hybrid service. This may include trialling six-, 9-, 12- and 15-months (accompanied by consistent proactive interventions) and assessing the outcomes for various</p>	<p>EJA supports this recommendation noting that it is also crucial that choice is provided about participation in online employment services.</p>

<p>cohorts of people, expecting that the optimal time may vary depending on a person’s characteristics, geographic location, and variations in the labour market. • The Department of Employment and Workplace Relations be provided with the ability to require re-assessment of a person in online services, and to mandate referral to face-to-face provider services where there is clear evidence that a person is not faring well and is unlikely to succeed without more intensive support</p>	
<p>Recommendation 40 The Committee recommends that the Australian Government design and implement a new policy framework to give effect to the legislative requirement for an Employment Pathway Plan, which should include the following key elements: • An acknowledgement of the requirement to show commitment and engage meaningfully with the employment services system and a broad explanation of the genuinely mutual obligations which apply. This includes the preparation of a Participation and Jobs Plan within a default timeline and that a payment is provisional until the plan is approved. • A new Participation and Jobs Plan is developed: by the participant— online if in hybrid services; with Employment Services Australia if being case managed there; or with a contracted partner Job Coach provider if referred for outsourced case management. This would be a goal-based plan which should include, at a minimum: o an overview of the participant’s aspirations, needs, and circumstances; o the support the provider will deliver to help the jobseeker address their needs and achieve their aspirations; o activities in which the participant commits to engage, including how these will contribute to building capacity and moving toward employment; o timeframes for completing expected activities; and o agreed requirements for regular appointments (the timeframe for which may vary depending on individual circumstances). • The Participation and Jobs Plan is a result of genuine negotiation between jobseeker and provider. • The Participation and Jobs Plan is regularly reviewed and updated to ensure that it aligns with the current needs and circumstances of the jobseeker.</p>	<p>EJA supports this recommendation.</p> <p>Individual Job Plans and PBAS points targets must be meaningful, with achievable and realistic activities.</p> <p>The Government should review the Points Based Activation System and the Targeted Compliance Framework in consultation with people directly affected, peak bodies and experts to develop a better model.</p> <p>It is important to ensure that participants are provided with genuine choice about the content of the job plan and that choice is not limited by rules and guidelines that prohibit agency and autonomy of the person required to enter into a job plan.</p> <p>A Social Security Commission could make periodic determinations of requirements appropriate to labour market conditions and any need for exemption of particular groups.</p> <p>Participants should be offered genuine support and means of obtaining advice and representation should they disagree with requirements in the job plan, rather than being forced to sign them.</p> <p>EJA should be represented in the process for the development of the Shared Accountability Framework</p>

	through which the finer detail will be developed.
<p>Recommendation 41</p> <p>11.72 The Committee recommends that the Australian Government, consistent with the adoption of broader objectives for a rebuilt employment services system such as economic security and productivity uplift, develop and articulate: xl • guiding principles for job quality informed by international experience and approaches, including a typology of 'lower' and 'higher' quality jobs, to set out an Australian view as to what constitutes decent work which the system should aspire to help people secure; and • develop metrics to evaluate the success of the employment services system in supporting jobseekers to obtain 'quality' employment.</p>	EJA supports this recommendation - noting that the objective of employment services should be to help people obtain decent and secure work.
<p>Recommendation 42</p> <p>11.77 The Committee recommends that the Australian Government develop— through a process of co-design—trial and evaluate the cost-effectiveness of a career progression assistance program targeted to employees in lower-paid, entry-level, and insecure jobs. This should be funded on a fee-for-service basis</p>	EJA supports this recommendation - noting development of such a program would support sustainable employment outcomes with clear implications for reducing reliance on social security income support.
<p>Recommendation 43</p> <p>The Committee recommends that the Australian Government review governance arrangements for the Employment Fund, including administrative requirements for reimbursements and approved categories of expenditure. This should include:</p> <ul style="list-style-type: none"> • clarifying the items that should be automatically allowable and directly accessible for jobseekers such as meeting transport costs to interviews, services and mandatory activities; data; and Drivers Licence training and acquisition; • simplifying the process to claim reimbursements using a less punitive 'Trust but Verify' approach to contracted partners to reduce the number of staff devoted to administration and compliance and free up these resources for more productive activities • increasing flexibility in how the Employment Fund may be used (for payments that are not to a provider or a related entity); and • giving consideration to crediting the Employment Fund annually for very long-term unemployed clients. 	<p>EJA supports this recommendation, reiterating the Inquiry's assertion that 'Jobseekers should be clear and confident they will be supported to meet necessary or unavoidable costs of preparing for and finding employment'. Such assurances are essential to many financially insecure social security recipients securing employment.</p> <p>It is important to recognise that the cost of compliance is higher for jobseekers in regional remote and very remote parts of Australia.</p>
<p>Recommendation 48</p> <p>The Committee recommends that Work for the Dole (WfD) be retained primarily as a last resort activity for people who fail to meaningfully engage or comply with their Participation and Jobs Plan over the long term.</p>	EJA does not support this recommendation , noting the Inquiry's finding that the weight of evidence ... is that WfD is overwhelmingly ineffective in terms

<p>People who choose to participate in or are referred to WfD should receive a supplement that at least realistically covers their costs of transport and participation.</p>	<p>of enabling jobseekers to increase employability, fails to enable social participation, and creates risk to the jobseeker’s safety. Further, it is imperative that employment services move away from forced compliance.</p> <p>EJA strongly believes that no program called Work for the Dole should continue. Even the name, embedded in legislation, is inherently stigmatising and contradicts Recommendation 10.1 of the Robodebt Royal Commission related to, “avoiding language and conduct which reinforces feelings of stigma and shame associated with the receipt of government support when it is needed”.</p> <p>Furthermore, all work experience should be paid at award rates and subject to workplace and industrial protections.</p>
<p>Recommendation 49</p> <p>The Committee recommends that the Australian Government co-design and trial a ‘Work in the Community’ community employment program in a limited number of regional areas and places with entrenched disadvantage, including the following key elements: • Voluntary participation and choice of placement. • Projects that contribute to community development, identified based on mapping of community need. • Jobs of varying duration and intensity with appropriate payment. • Work-like experiences with skills development and in-work training. • Success be defined around improvements in capability, health, mental health, connectedness, self-esteem, skills, and confidence rather than expecting entry into open employment in the first instance though open labour market pathways should be actively encouraged and facilitated. The Australian Government should also consider providing a right of return to the program to give clients confidence and security to pursue open employment.</p>	<p>EJA supports this recommendation – recommending that these activities be provided as an alternative to “Work for the Dole”.</p>
<p>Recommendation 52</p> <p>The Committee recommends that as a fundamental system design principle, wage subsidy programs (and other Active Labour Market Programs including paid work experience) should be centrally and transparently administered by the Department of</p>	<p>EJA supports this recommendation – noting wage subsidies need to be independently administered to prevent favouritism and rorting.</p>

<p>Employment and Workplace Relations with funding de-linked from the Employment Fund</p>	
<p>Recommendation 55</p> <p>The Committee recommends that the Australian Government consider properly designed paid work experience, including the following key elements:</p> <ul style="list-style-type: none"> • Engagement of a jobseeker from the employment services caseload for set periods (which may vary by placement). • Wages at or above the minimum wage with costs met by government or split between government and the employer, subject to negotiation. • Structured training and skills development opportunities. • Incentives for businesses to take on a number of work experience placements per year based on their total number of employees with employment pathways for a reasonable percentage. • A gradual increase in hours worked to build jobseekers' resilience and fitness for work based on individual capacity. • Proper integrity safeguards and monitoring to avoid unethical churn and misuse by employers. 	<p>EJA supports this recommendation.</p> <p>It is important to ensure the model does not create potential administrative blockages if a person needs to go back onto income support payments after participation in a work experience program.</p>
<p>Recommendation 56</p> <p>The Committee recommends that in a rebuilt Commonwealth Employment Services System, the range of mutual obligation requirements be broadened and be much better tailored to individuals. Reforms should focus on cutting red tape, addressing employers' concerns, and ensuring that mutual obligations are effective in supporting people into work, and should be founded on the following key principles:</p> <p>For clients who are assessed as close to the labour market and largely self-managing in online-hybrid services: the Points Based Activity System (PBAS) be retained to underpin reporting against a person's Participation and Jobs Plan. Changes to the PBAS should be made to provide more flexibility in activities; better tailor the points to the individual; and monitor progress and intervene earlier where a person is experiencing challenges in navigating the system.</p> <p>For clients who are managed directly by Employment Services Australia or referred to service partners for case management, the core requirement be to meaningfully participate by attending appointments and</p>	<p>EJA supports this recommendation.</p> <p>Individual Job Plans and PBAS points targets must be meaningful, with achievable and realistic activities.</p> <p>The Government should review the Points Based Activation System and the Targeted Compliance Framework in consultation with people directly affected, peak bodies and experts to develop a better model.</p> <p>It is important to ensure that participants are provided with genuine choice about the content of the job plan and that choice is not limited by rules and guidelines that prohibit agency and autonomy of the person required to enter into a job plan.</p> <p>A Social Security Commission could make periodic determinations of requirements appropriate to labour market conditions and any need for exemption of particular groups.</p>

<p>undertaking activities as agreed via the Participation and Jobs Plan.</p> <p>For clients who persistently fail to meaningfully engage or to comply with their Participation and Jobs Plan, the PBAS be used as the default reporting and compliance tool.</p> <p>Over time, the Australian Government should also broadly harmonise mutual obligation requirements across the 'mainstream' employment service program and the Community Development Program.</p>	<p>Participants should be offered genuine support and means of obtaining advice and representation should they disagree with requirements in the job plan, rather than being forced to sign them.</p> <p>EJA should be represented in the process for the development of the Shared Accountability Framework through which the finer detail will be developed.</p>
<p>Recommendation 57</p> <p>The Committee recommends that the Australian Government urgently implement changes to the compliance framework for employment services, proposed to include:</p> <ul style="list-style-type: none"> • Providing case managers with frontline discretion to counsel clients regarding their obligations for the first two or three times that a person misses an appointment or commits another minor compliance breach within one year—rather than being forced to trigger demerit points and compliance action. • Adjusting the period within which a person must reconnect with the system after committing a breach from 48 hours to no more than four or five business days. • Amending the Points-Based Activation System (PBAS) such that: <ul style="list-style-type: none"> o 100 points is seen as the maximum and not the default points target across all services; o the Digital Services Contact Centre (DSCC) review and consider adjustments to the points targets for clients in Workforce Australia Online who have experienced repeated suspensions or other penalties; and o for clients in Workforce Australia Services, the default points target be set at 50 points, with discretion afforded case managers to vary the points target up or down based on their professional judgement exercised in consultation with clients and that all points targets be reviewed as soon as possible after this report is tabled; • Case managers and the DSCC are given additional discretionary points (e.g., up to 40 points) that can be allocated each month to people who fail to meet their points target but who are showing commitment and are deemed to be meaningfully participating. 	<p>EJA strongly supports this recommendation.</p> <p>The high rate of payment suspensions highlights systemic issues with the current system.</p> <p>Suspensions should be a last resort, and providers should have clear discretion not to recommend or apply them.</p> <p>EJA recommends consultation with people directly affected, peak bodies and experts to overhaul the points-based activation model and targeted compliance framework.</p>
<p>Recommendation 58</p>	<p>EJA supports this recommendation - extending the period people can</p>

<p>The Committee recommends that as part the reforms contemplated by the Employment White Paper, the Australian Government:</p> <ul style="list-style-type: none"> • monitor the impact of the proposed extension to the income support nil rate period; and • review income support eligibility criteria to ensure that they adequately take account of the circumstances of people impacted by seasonal work arrangements, especially in Northern Australia and other regions required due to the dry/wet season. 	<p>remain in a nil rate period is beneficial because people will be less at risk of administrative hurdles to getting back onto payments if the job is not ongoing.</p>
<p>Recommendation 59</p> <p>The Committee recommends that the Australian Government implement the following clear default principles:</p> <ul style="list-style-type: none"> • People suffering from substance dependency who are not genuinely seeking and engaged in medical treatment are not eligible for exemptions from mutual obligations. • Where a person is actively participating in medically supervised treatment for substance dependency including rehabilitation programs and early phase recovery, this can form all or part of a person’s Participation and Jobs Plan. • Exemptions are no longer automatically applied to people exiting the criminal justice system and are considered only on a case-by-case basis 	<p>EJA does not support this recommendation.</p> <p>These recommendations are extremely problematic. People should not be coerced into treatment and under no circumstances should mutual obligation requirements be used as a form of treatment coercion. There is very clear health evidence that shows that treatment will not be effective unless voluntary.</p> <p>It is also important to note that there are not enough treatments services available and there are lengthy waiting lists for those people who currently want to access medical treatment.</p> <p>People with substance dependency who are unable or unwilling to engage in medical treatment should not be excluded from social security income support, they should instead be assessed regarding the most appropriate form of income support – potentially DSP, having regard to psychiatric conditions that may underly the reluctance or refusal to engage in medical treatment.</p> <p>Where people undertake treatment voluntarily this should provide an exemption from mutual obligations for the period of the treatment, as assessed by a medical practitioner.</p> <p>It is important to ensure that employment service providers engage with treatment providers</p>

	<p>where appropriate and agreed to by the person, to facilitate consideration of whether an exemption should be applied. Sensitive information disclosed in this process must be appropriately protected.</p>
<p>Recommendation 60</p> <p>The Committee recommends that the Australian Government replace current default mandatory activation requirements with a framework of ‘availability test’ activities that help jobseekers progress to employment, including the following key elements:</p> <ul style="list-style-type: none"> • Activities in which the jobseeker must participate to meet their activation requirements are mutually agreed between the jobseeker and their provider (or Employment Services Australia) for online participants). • ‘Default’ activation activities are removed, with jobseekers enabled to select from activities including community-based programs and paid work. • Specific timing for activation points be removed, and replaced with a more flexible range so they work in with a person’s other efforts and activities and take account of life events that may occur. • Activation requirements are recorded in the jobseeker’s Participation and Jobs Plan. • If a client refuses to choose or do an activity then, their case manager or Employment Services Australia (for online participants) is empowered to determine the mandatory activation activity that would best support them. • Employment Services Australia can exempt jobseekers from activation requirements in limited circumstances. 	<p>EJA strongly supports this recommendation and believes it should be implemented as a priority.</p> <p>Genuine choice should be clearly defined in legislation and jobseekers should not be punished for refusing to engage in activities they have not chosen.</p> <p>A wide range of suitable activities should be adequately resourced.</p>
<p>Recommendation 61</p> <p>The Committee recommends that, consistent with the Interim Report’s recommendations, the Australian Government introduce legislation to provide an additional compliance tool of a Partial Payment Withholding (a ‘holdback’) as a less onerous alternative to full payment suspensions providing strong incentive to re-engage with services but without leaving people (and their children and families) with insufficient funds to meet basic needs. ‘Holdbacks’ should be repaid to the participant on re-engagement.</p>	<p>EJA does not support the partial holdback of payments - because it is administratively cumbersome, may require expensive IT programming, and does not do anything to remove stress from threats forcing people affected on very low income to make decisions about what they can afford if a payment is withheld.</p> <p>EJA prefers the implementation of recommendation 62 - where the</p>

	<p>use of threat/suspensions used would be used as last resort.</p> <p>EJA is of the strong view that trained public servants should make decisions adversely impacting payments, never automated systems.</p>
<p>Recommendation 62</p> <p>14.179 The Committee recommends that the Australian Government implement a new Shared Accountability Framework. This should replace the current Targeted Compliance Framework and should include the following key elements: • Frontline discretion is restored so that case managers can educate and counsel people regarding their obligations for a limited number of minor or initial compliance breaches each year. • After counselling options are exhausted, a number of warnings be recorded which could result in a partial payment withholding (holdback) until the non-compliance is remedied. • People who accrue the maximum number of warnings by persistently failing to meet mutual obligation requirements are be referred to Employment Services Australia for a capability assessment. • Should there be barriers to participation or engagement, the client is referred back to their provider or offered the option to transfer to a different provider or service. • If there are no barriers to participation, the client may elect to be referred back to their provider and made aware of the risk of more serious compliance measures including payment suspensions, penalties, or xlix cancellations. Alternatively, the client would be transferred to intensive case management by Employment Services Australia. • All decisions that affect income support payments must be made by a public servant in Services Australia, and not automatically by the IT system. Guidelines and training for staff should be developed in consultation with stakeholders and subject to periodic review by the new Client Councils and the Employment Services Coordinating Council.</p>	<p>EJA supports this recommendation.</p> <p>EJA recommends acting to implement the Workforce Australia inquiry Recommendations 57 and 62 and bring forward reforms to the jobseeker compliance system.</p> <p>The Government should take urgent action to reduce the number of payment suspensions applied automatically to participants in employment programs, and pause payment suspensions until this has been implemented</p> <p>EJA recommends that the Government abolish the TCF, and replace it with a system of penalties and demerits with non-punitive approaches.</p> <p>Responsibility for jobseeker compliance should only be administered by public servants who are trained in administrative law.</p> <p>Mutual obligations compliance monitoring should not be automated.</p> <p>Any compliance framework must be legislatively based, under social security law, with appeal rights.</p> <p>The Government should review the Points Based Activation System and the Targeted Compliance Framework in consultation with people directly affected, peak bodies and experts, to develop a better model.</p>

	EJA should be represented in the development of the Shared Accountability Framework
<p>Recommendation 63</p> <p>14.183 The Committee recommends that the Australian Government consider trialling incentives to enhance engagement with employment services, with a view to national scaling if an incentive proves effective in increasing engagement and successful outcomes.</p>	EJA supports this recommendation - there is a need to move away from punitive measures and develop a system based on reward rather than punishment.
<p>Recommendation 64</p> <p>The Committee recommends that the Australian Government consider options to simplify income reporting for employment services clients, especially those who are not working and do not intend to work and those who are participating in self-employment programs, including by enabling less frequent reporting for a defined period of time.</p>	<p>EJA strongly supports this recommendation.</p> <p>Consideration of these options should be in consultation with employment services participants. When trialling new reporting, there should be no payment suspensions for not reporting.</p>
<p>Recommendation 66</p> <p>Committee recommends that the commissioning model for a rebuilt Commonwealth Employment Services System includes the following elements:</p> <p style="padding-left: 40px;">A review of employment regional boundaries leading to a substantial increase the number of regions to better reflect natural labour markets and communities of interest, aligned as much as possible with Disability Employment Services and the Community Development Program. This should include mechanisms for periodic review.</p> <p style="padding-left: 40px;">Service partners engaged as follows:</p> <ul style="list-style-type: none"> for the generalist case management service, one partner per location, acknowledging that this may mean more than one partner per region; for the youth specialist service, one partner per location, acknowledging that this may mean more than one partner per region; and specialists commissioned to support target cohorts with priority on people from culturally and linguistically diverse backgrounds, people with disability, ex-offenders, 	<p>EJA supports this recommendation because natural labour markets and population cohorts do not align with employment regions. It is important to eliminate region size as a barrier to becoming a provider of specialist services.</p> <p>Specialist services for Aboriginal and Torres Strait Islander people need to be led by, or delivered in genuine consultation with, First Nations organisations to ensure that services are provided in a culturally appropriate manner.</p>

<p>and First Nations peoples, some of which may operate across more than one region utilising flexible servicing models.</p> <p>Procurement for generalist and youth case management services and specialist service partners continue to be undertaken centrally but adjusted to include:</p> <ul style="list-style-type: none"> a simplified tender process, to reduce barriers to entry for smaller and community-based organisations; a requirement for providers to demonstrate capacity to deliver targeted services to participants in their employment region; and priority for service partners which are able to demonstrate strong local and community connections and a proven track record in place. <p>Consider longer license terms for all providers, using Belgium’s approach which involves nine-year contracts with three-year renewals, with staggered re-tendering so that only one third of the provider market is subject to review at any one time.</p>	
<p>Recommendation 68</p> <p>The Committee recommends that as a priority, even before a new commissioning model is fully developed and implemented, the Australian Government prioritise the recommissioning of First Nations specialist services in areas with high populations of First Nations jobseekers and jobseekers from culturally and linguistically diverse backgrounds. Priority should be given to commissioning Aboriginal Community Controlled Organisations</p>	<p>EJA supports this recommendation.</p> <p>It would be beneficial to work with Services Australia in developing a regional outreach strategy.</p>
<p>Recommendation 72</p> <p>The Committee recommends that the Australian Government review existing performance management arrangements for providers, and co-design and implement a new framework as a high priority. This should include:</p>	<p>EJA supports this recommendation and notes that measures should be taken to ensure that poorly performing providers do not continue to provide services, perhaps by transferring their services to a government operated service in the short term</p>

<ul style="list-style-type: none"> • simplifying performance management and assessment arrangements; • reducing the focus on blunt, time-based employment outcomes; • consideration of additional measures such as job quality, human capacity-building, and employer support; • an approach to performance management that focuses on working with providers to improve performance rather than imposing sanctions; and • removing measures relating to contract compliance. <p>While the review is conducted and the new framework designed, the Australian Government may elect to pause formally assessing providers against the existing performance framework.</p>	
<p>Recommendation 75</p> <p>The Committee recommends that the Australian Government develop and publish a transition plan for the rebuilt Commonwealth Employment Services System by the end of 2024. The plan should be reviewed and updated on a regular basis to reflect the progress of implementation of recommendations in this report.</p>	<p>EJA supports this recommendation, noting there is a need to commence reform urgently and implement recommendations to the mutual obligation framework (job plans, activities and the TCF) as soon as possible.</p>